

Applicant: Oesterle et al.
Application No.: 10/574,735

Amendments to Drawings:

The attached sheet of drawings includes new FIG. 2.

REMARKS/ARGUMENTS

After the foregoing Amendment, Claims 1 - 8 are currently pending in this application. Claim 1 has been amended. Claim 8 is new. In the drawings, Figure 2 has been included to show bars of differing diameters. Applicants submit that no new matter has been introduced into the application by these amendments.

Objections to the Drawings

The Examiner objected to the drawings as not showing every feature of the invention specified in the claims. Specifically, the torsion bar 1 having varying diameters as recited in claim 1, line 7 is not shown.

The amendment to claim 1, the specification and new Figure 2 obviate the objection. Accordingly, withdrawal of the objection to the drawings is respectfully requested.

Claim Rejections - 35 USC §103

Claims 1 – 7 were rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,616,081 to Clute in view of U.S. Patent No. 6,206,315 to Wier.

Claim 1 currently recites a torsion bar for application in belt winders for safety belts, including a bar having end sections and drive and/or locking elements arranged on the end sections for positive connection to respective devices. Different

torques at constant sizes of the drive and/or locking elements are achieved by providing bars of varying diameters. The bars are produced in one piece in a cold forming impact extrusion process from a non-ferrous metal.

New independent claim 8 recites a safety belt winder torsion bar system comprising a non-ferrous metal bar produced in one piece in a cold forming impact extrusion process. The bar has end sections and a drive or locking element arranged on the end sections for positive connection to respective devices. Torque of the drive or locking elements is a function of the diameter of the bar.

The combination fails to show or suggest a torsion bar for application in belt winders for safety belts having a non-ferrous bar whose diameter is a function of the torque achieved by drive or locking elements arranged at ends thereof. Further, neither reference mentions a non-ferrous metal bar produced in one piece in a cold forming impact extrusion process.

By providing torsion bars of varying diameters, the torque can be varied without necessitating changing the drive and or locking elements. This is possible as a result of using a non-ferrous metal to form the torsion bars, since the use of steel results in torsion bars having very small diameters.

Aluminum has approximately the same extrusion behavior as unannealed steel. However, a strength behavior under torsion can be achieved, here, which is possible in steel at very small diameters only. Then the extrusion behavior of steel

is a hindrance for using a cold forming process. Namely, metal cutting manufacturing must be performed thereafter. This can be avoided entirely with aluminum because the differences in diameters between the torsion bar and the drive and/or locking elements can be kept small.

In Graham v. John Deere Co. the United States Supreme Court cautioned against the use of hindsight whereby the teachings of an invention are read into the prior art. In KSR v. Teleflex, the Court recognized "hindsight bias" and "*ex post* reasoning" as inappropriate in a determination of obviousness. See also, Sanofi-Synthelabo v. Apotex, Inc., 550 F.3d 1075 (Fed. Cir. 2008). The only way to apply the cited references under § 103 would be to employ impermissible hindsight reasoning, that is, looking at Applicants' claimed invention and piecing it together from references that do not even disclose all of the elements of Applicants' claimed invention.

Claims 2 – 7 are dependent upon claim 1, which the Applicants believe are allowable over the cited prior art of record for the same reasons provided above.

Based on the arguments presented above, withdrawal of the §103(a) rejection of claims 1 – 7 is respectfully requested.

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Conclusion

If the Examiner believes that any additional minor formal matters need to be addressed in order to place this application in condition for allowance, or that a telephone interview will help to materially advance the prosecution of this application, the Examiner is invited to contact the undersigned by telephone at the Examiner's convenience.

In view of the foregoing amendment and remarks, Applicants respectfully submit that the present application, including claims 1 – 8, is in condition for allowance and a notice to that effect is respectfully requested.

Respectfully submitted,

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RJB/srp

Enclosure